

Amend Division 6, Chapter 6, Article 1, Section 85000 to read:

CHAPTER 6. ADULT RESIDENTIAL FACILITIES

Article 1. GENERAL REQUIREMENTS AND DEFINITIONS

85000 GENERAL

85000

- (a) Adult Residential Facilities, as defined in Section 80001(a)(5), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements. In addition, Subchapter 1 of this chapter shall apply when a licensee utilizes or reasonably foresees that he or she will utilize a manual restraint or seclusion.

- (1) Section ~~85302~~85102 shall apply to all Adult Residential Facilities.

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

Amend Section 85068.2 to read:

85068.2 NEEDS AND SERVICES PLAN

85068.2

(a) (Continued)

(b) (1) Continued)

(A) (Continued)

(H) The client's individual emergency intervention plan, required by Section ~~85368.2~~85168.2(a).

(2) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1180.4, 1501, 1507 and 1531, Health and Safety Code.

Amend Division 6, Chapter 6, Subchapter 1, Article 1, Section 85300 to read:

SUBCHAPTER 1. EMERGENCY INTERVENTION

Article 1. GENERAL REQUIREMENTS

~~85300~~85100 GENERAL PROVISIONS

~~85300~~85100

(a) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1180.4, 1501, 1502, 1531 and 1562.3(c)(1)(I), Health and Safety Code.

Amend Section 85301 to read:

~~85301~~85101 DEFINITIONS

~~85301~~85101

In addition to the definitions in Sections 80001 and 85001, the following shall apply:

(a) – (d) (Continued)

(e) (1) (Continued)

(2) “Emergency Intervention Plan” means a written plan, addressing the prevention of injury and implementation of emergency intervention techniques by the licensee, that is included in the facility’s plan of operation as required by Section ~~85322~~85122(a)(1).

(3) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1180, 1180.1, 1180.3, 1180.4, 1180.5, 1501 and 1531, Health and Safety Code. Sections 2700, 2834, 2838, 4996-4998.5, 4980-4984.7, Business and Professions Code. Section 54342, California Code of Regulations, Title 17.

Amend Subchapter 1, Article 2, Section 85302 to read:

ARTICLE 2. PROHIBITIONS

~~85302~~85102 EMERGENCY INTERVENTION PROHIBITIONS

~~85302~~85102

Notwithstanding 85300(a), Section ~~85302~~85102 shall apply to all Adult Residential Facilities as follows:

(a) (1) (Continued)

- (14) Manual restraint or seclusion for more than 15 consecutive minutes unless the licensee is in compliance with Section ~~85322~~85122(e)(6);

HANDBOOK BEGINS HERE
(Continued)

(b) (1) (Continued)

- (5) To prevent a client from leaving a room or area or the facility when there is no immediate threat to health and safety of the individuals or others;
- (6) When a client's medical or physical condition or the Client Medical Assessment indicates that there is reason to believe that the intervention would endanger the client's life or seriously worsens the client's medical condition;
- (7) If it is prohibited by the facility's Emergency Intervention Plan or the client's Individual Emergency Intervention Plan;

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1180.2, 1180.3, 1180.4, 1501, 1502, and 1531, Health and Safety Code.

Amend Subchapter 1, Article 3, Section 85322 to read:

Article 3. APPLICATION AND LICENSING PROCEDURES

~~85322~~85122 EMERGENCY INTERVENTION PLAN

~~85322~~85122

(a) (Continued)

(d) (1) Continued)

(3) (A) (Continued)

(B) The maximum time limits for each manual restraint and/or seclusion technique, not to exceed maximum time limits, as specified in Sections ~~85302~~85102(a)(14).

(C) (Continued)

(13) A statement clarifying that only staff trained as required by Section ~~85365~~85165(b), may use emergency interventions.

(e) (1) (Continued)

(A) A determination for when a medical examination is needed during or after a manual restraint or seclusion, as specified in Section ~~85369~~85169.

(2) – (4) (Continued)

(5) (A) (Continued)

(B) Whether community emergency services, as described in Section ~~85322~~85122(d)(10)(A) need to be called;

(C) (Continued)

(6) (Continued)

(A) 1. (Continued)

2. The certified administrator mentioned in Section ~~85322~~85122(e)(6)(A)1. above shall not be a participant in the manual restraint.

(7) (Continued)

(10) There is a review of each use of manual restraint or seclusion, as specified in Section ~~85368.3~~85168.3.

(11) (Continued)

Authority Cited: Sections 1530, 1567.64 and 1567.82, Health and Safety Code.

Reference: Sections 1180, 1180.2, 1180.3, 1180.4, 1180.5, 1501 and 1531, Health and Safety Code.

Amend Subchapter 1, Article 6, Section 85361 to read:

Article 6. CONTINUING REQUIREMENTS

~~85361~~85161 EMERGENCY INTERVENTION DOCUMENTATION AND ~~85361~~85161
REPORTING REQUIREMENTS

(a) (Continued)

(c) The report in Section ~~85361~~85161(b) above must include the following:

(1) (Continued)

(8) If it is determined in the debriefing, as required in Section ~~85368.3~~85168.3, that facility personnel did not adequately attempt to prevent the manual restraint or seclusion, a description of what action should have been taken by facility personnel to prevent the manual restraint or seclusion incident shall be documented. This documentation shall also include what corrective action will be taken or not taken and why.

(9) (Continued)

(d) If it is necessary to continue the use of manual restraint or seclusion for more than 15 minutes it shall be documented in accordance with Section ~~85322~~85122
(e)(6)(A)1.

(e) (Continued)

(g) (1) (Continued)

(7) (A) (Continued)

(C) Whether the injury in Section ~~85361~~85161(g)(7)(A) and (B) above was serious as defined in Health and Safety Code section 1180.1(g)

HANDBOOK BEGINS HERE
(Continued)

(8) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1180.2, 1180.3, 1180.5, 1501 and 1531, Health and Safety Code.

Amend Section 85365 to read:

~~85365~~85165 EMERGENCY INTERVENTION STAFF TRAINING ~~85365~~85165

- (a) The licensee shall ensure staff who use, participate in, approve, or provide visual checks of manual restraint or seclusion only use techniques specified in the Emergency Intervention Plan and which are not prohibited in Section ~~85302~~85102.
- (b) (1) (Continued)
 - (3) Staff shall have a minimum of 6 hours of annual refresher training following the initial training certification. The provisions specified in Section ~~85365~~85165(c)-(e) and, (g) shall also apply to this training.
- (c) (Continued)

Authority cited: Sections 1530, 1567.64 and 1567.82, Health and Safety Code.

Reference: Sections 1180, 1180.2, 1180.3, 1180.4, 1180.5, 1501, 1531 and 1562, Health and Safety Code.

Amend Section 85368 to read:

~~85368~~85168 ADMISSION AGREEMENTS

~~85368~~85168

(a) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1180, 1180.4, 1501 and 1531, Health and Safety Code.

Amend Section 85368.2 to read:

~~85368.2~~85168.2 NEEDS AND SERVICES PLAN

~~85368.2~~85168.2

In addition to Section 80068.2 and 85068.2, the following shall apply:

(a) (Continued)

Authority cited: Sections 1530, Health and Safety Code.

Reference: Sections 1180, 1501, and 1531, Health and Safety Code.

Amend Section 85368.3 to read:

~~85368.3~~85168.3 MANUAL RESTRAINT OR SECLUSION REVIEW ~~85368.3~~85168.3

(a) (Continued)

HANDBOOK BEGINS HERE
(Continued)

(b) The debriefing required by Section ~~85368.3~~85168.3(a) shall include:

(1) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1180, 1180.1, 1180.5, 1501 and 1531, Health and Safety Code.

Amend Section 85369 to read:

~~85369~~85169 MEDICAL EXAMINATION

~~85369~~85169

In addition to Section 80069, the following shall apply:

- (a) (1) (Continued)
- (b) Any suspected physical injury or complaint of physical injury to the client, reported to or witnessed by staff during or after a manual restraint or seclusion shall be reported immediately to the administrator or administrator's designee, the licensee and the authorized representative. This shall also be included in the written incident report to the Department as specified in Section ~~85369~~85161(b).

(1) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1180.4, 1501, 1507 and 1531, Health and Safety Code.

Amend Subchapter 1, Article 7, Section 85375 to read:

Article 7. PHYSICAL ENVIRONMENT

~~85375~~85175 SECLUSION ROOM

~~85375~~85175

(a) In addition to Section ~~85322~~85122, a licensee at a facility with a seclusion room, shall not:

(1) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1509 and 1531, Health and Safety Code.

Amend Chapter 6.1, Article 1, Section 85100 to read:

CHAPTER 6.1 COMMUNITY CRISIS HOMES

Article 1. GENERAL REQUIREMENTS

~~85100~~85300 GENERAL PROVISIONS

~~85100~~85300

- (a) (Continued)
- (b) Each Community Crisis Home shall be licensed as an Adult Residential Facility and certified by the Department of Developmental Services in accordance with Section ~~85118~~85318 and Health and Safety Code section 1567.81(a).
- (c) (1) (Continued)

Authority cited: Sections 1530, 1567.81 and 1567.87, Health and Safety Code.

Reference: Sections 1180.3, 1501, 1502, 1530, 1531 and 1567.81, Health and Safety Code.

Amend Section 85101 to read:

~~85101~~85301 DEFINITIONS

~~85101~~85301

In addition to Sections 80001 and 85001, the following shall apply:

(a) (1) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code.

Reference: Sections 1501, 1502, 1531, 1567.80 and 1567.82, Health and Safety Code.

Amend Section 85118 to read:

Article 3. APPLICATION PROCEDURES

~~85118~~85318 APPLICATION FOR LICENSURE

~~85118~~85318

In addition to Sections 80018 and 85018, the following shall apply:

(a) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code.

Reference: Sections 1501, 1502, 1530, 1531 and 1567.81, Health and Safety Code.

Amend Section 85120 to read:

~~85120~~85320 FIRE CLEARANCE

~~85120~~85320

(a) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code.

Reference: Sections 1501, 1502, 1530, 1531 and 1567.81, Health and Safety Code.

Amend Section 85122 to read:

~~85122~~85322 PLAN OF OPERATION

~~85122~~85322

In addition to Sections 80022 and 85022, the following shall apply:

(a) (Continued)

Authority cited: Sections 1530, 1567.84 and 1567.87, Health and Safety Code.

Reference: Sections 1501, 1502, 1530, 1531 and 1567.84, Health and Safety Code.

Amend Section 85140 to read:

~~85140~~85340 DENIAL OF INITIAL LICENSE

~~85140~~85340

In addition to Section 80040, the following shall apply:

(a) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code.

Reference: Sections 1501, 1502, 1530, 1531 and 1567.81, Health and Safety Code.

Amend Chapter 6.1, Article 4, Section 85142 to read:

Article 4. ADMINISTRATIVE ACTIONS

~~85142~~85342 REVOCATION OR SUSPENSION OF A LICENSE ~~85142~~85342

In addition to Section 80042, the following shall apply:

(a) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code.

Reference: Sections 1501, 1502, 1524, 1531 and 1567.86, Health and Safety Code.

Amend Chapter 6.1, Article 6, Section 85164 to read:

Article 6. CONTINUING REQUIREMENTS

~~85164~~85364 ADMINISTRATOR CERTIFICATION AND
QUALIFICATIONS

~~85164~~85364

In addition to Sections 80064 and 85064, the following shall apply:

(a) (1) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code.

Reference: Sections 1501, 1502, 1531 and 1567.82, Health and Safety Code.

Amend Section 85165 to read:

~~85165~~85365 PERSONNEL REQUIREMENTS

~~85165~~85365

In addition to Sections 80065 and 85065, the following shall apply:

- (a) (Continued)
- (i) In addition to any other required training, each direct care staff person shall have a minimum of 16 hours of emergency intervention training, which shall include the techniques the licensee will use to prevent injury and maintain safety of clients who are a danger to self or others and shall emphasize positive behavioral supports and techniques that are alternatives to physical restraints, pursuant to Section ~~85365~~85165
- (j) The licensee shall ensure that a direct care staff person shall not implement emergency intervention techniques until they successfully complete the emergency intervention training as required by Section ~~85365~~85165.
- (k) (Continued)

HANDBOOK BEGINS HERE
(Continued)

- (m) In addition to any other required training, direct care staff shall complete a minimum of 20 hours of continuing education on an annual basis covering, but not limited to, the subjects specified in Section ~~85165~~85365(h):
 - (1) (Continued)
 - (2) Successful completion of the competency-based training and passage of the competency test required by the California Code of Regulations, Title 17, Section 59007(e) shall satisfy the direct care staff continuing education requirements specified in Sections ~~85165~~85365(m) through (m)(1) for the year in which the training at California Code of Regulations, Title 17, Section 59007 is satisfactorily completed.
- (n) (Continued)
- (o) The training hours required to maintain certification or licensure, as required in Section ~~85164~~85364 and Section ~~85165~~85365(a) and (b) may be utilized to meet fifty percent of the continuing education hours required in Section ~~85165~~85365(m) when the subject matter is related to the population served for the year in which the training is satisfactorily completed.

Authority cited: Sections 1530, 1567.82 and 1567.87, Health and Safety Code.

Reference: Sections 1501, 1531, 1562 and 1567.82, Health and Safety Code.

Amend Section 85168.1 to read:

~~85168.1~~85368.1 INTAKE ADMISSION PROCEDURES

~~85168.1~~85368.1

In addition to Section 85068.1, the following shall apply:

- (a) The licensee shall conduct and document an initial assessment of a client prior to or within 24 hours of admission to the facility.
 - (1) With the exception of the time frame in Section ~~85168.1~~85368.1(a) above, the initial assessment shall be developed pursuant to Section 85068.2(b)(1)(G).
- (b) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code

Reference: Section 1180.4, 1501, 1502, 1531 and 1567.81, Health and Safety Code.

Amend Section 85168.2 to read:

~~85168.2~~85368.2 NEEDS AND SERVICES PLAN

~~85168.2~~85368.2

In addition to Sections 80068.2 and 85068.2, the following shall apply:

- (a) (Continued)
- (c) Notwithstanding ~~85368.2~~85168.2(a), the licensee of a Community Crisis Home shall develop an individual emergency intervention plan for the client prior to admission. In the event the client is in crisis and cannot participate in the development of the individual emergency intervention plan, the licensee shall utilize any relevant documentation, including but not limited to previous behavior plans or client assessments provided by the regional center, to complete the individual emergency intervention plan prior to admission. The licensee shall ensure the client's input is included in the individual emergency intervention plan as soon as possible and within 24 hours of admission.
 - (1) The individual emergency intervention plan shall be based on the initial assessment as required in Section ~~85168.1~~85368.1(a). In the event that the provisions of the Individual Emergency Plan are addressed in the Individual Behavior Supports Plan required by California Code of Regulations, Title 17, Section 59010, and within the time frame required by Section ~~85168.2~~85368.2(c), the licensee shall not be required to complete a separate or additional Individual Emergency Intervention Plan for the client.
- (d) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code

Reference: Section 1180.4, 1501, 1502, 1531 and 1567.81, Health and Safety Code.

Amend Section 85168.4 to read:

~~85168.4~~85368.4 ACCEPTANCE AND RETENTION LIMITATIONS ~~85168.4~~85368.4

In addition to Section 85068.4, the following shall apply:

(a) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code

Reference: Sections 1501, 1531 and 1567.81, Health and Safety Code.

Amend Section 85170 to read:

~~85170~~85370 CLIENT RECORDS

~~85170~~85370

In addition to Sections 80070 and 85070, the following shall apply:

(a) (1) (Continued)

(3) Individual Emergency Intervention Plan, updated as necessary, unless the Individual Behavior Supports Plan meets the requirements of Section ~~85168.2~~85368.2(c)(1);

(4) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code

Reference: Section 1501, 1531 and 1567.81, Health and Safety Code.

Amend Chapter 6.1, Article 7, Section 85187 to read:

Article 7. PHYSICAL ENVIRONMENT

~~85187~~85387 BUILDINGS AND GROUNDS

~~85187~~85387

In addition to Sections 80087 and 85087, the following shall apply:

(a) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code

Reference: 1501, 1531 and 1567.81, Health and Safety Code.

Amend Chapter 6.1, Article 10, Section 85190 to read:

Article 10. EMERGENCY INTERVENTIONS

~~85190~~85390 PROVISIONS FOR EMERGENCY INTERVENTION ~~85190~~85390

(a) (Continued)

Authority cited: Section 1530 and 1567.87, Health and Safety Code.

Reference: Sections 1180, 1501, 1531, and 1567.83, Health and Safety Code.